

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DETROIT METROPOLITAN AIRPORT
TAXI ASSOCIATION,

Plaintiff,

v.

DETROIT METROPOLITAN WAYNE
COUNTY AIRPORT AUTHORITY, et al.,

Defendants.

Case No. 09-cv-14041

HONORABLE STEPHEN J. MURPHY, III

ORDER GRANTING PLAINTIFF'S "MOTION FOR VOLUNTARY DISMISSAL"

On October 23, 2009, plaintiff Detroit Metropolitan Airport Taxi Association ("DMATA") filed a "Motion for Voluntary Dismissal" requesting the Court grant "voluntary dismissal of [the] Complaint, without prejudice." Docket no. 14. This was filed prior to the Defendant's filing of its answer.

The Court treats DMATA's "motion" as a notice of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) since it was filed before the opposing party served either an answer or a motion for summary judgment. There is nothing further for the Court to do in this case.

To the extent the filing was designated a "motion," however, it is hereby **ORDERED** that DMATA's motion is **GRANTED**, and the case **DISMISSED without prejudice**. See *D.C. Elecs., Inc. v. Narton Corp.*, 511 F.2d 294, 298 (6th Cir. 1975) ("[T]he basis for our decision here, is that Rule 41(a)(1)(i) is clear and unambiguous on its face and admits of no exceptions that call for the exercise of judicial discretion by any court. Other than to

determine, should the question arise, whether an answer or a motion for summary judgment has in fact been filed prior to the filing of a notice of dismissal, a court has no function under Rule 41(a)(1)(i).”)

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: November 2, 2009

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 2, 2009, by electronic and/or ordinary mail.

s/Alissa Greer
Case Manager